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JLR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/493,871 01/28/00 EVANS

C 11714-P02

QM12/0213

EXAMINER

Jerry Cohen, Esq.  
Perkins, Smith & Cohen, LLP  
One Beacon Street, Suite 30  
Boston MA 02108-3106

ARYANPOUR - M

ART UNIT

PAPER NUMBER

3711

DATE MAILED:

02/13/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/493,871	Applicant(s) Christopher Evans & Richard Evans
Examiner Mitra Aryanpour	Group Art Unit 3711

Responsive to communication(s) filed on Jan 28, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-4 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-4 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### *Information Disclosure Statement*

1. The information disclosure statement filed 03/17/2000 has been placed in the application file, but the information referred to therein has not been considered as to the merits. The present application is “an apparatus for soccer training”, it is unclear why the IDS provided in this application pertains to “assembly line for bottling”.

### *Oath/Declaration*

2. This application has joint inventors, as a result the Language of the Declaration and Oath should reflect as such. For example “I hereby . . .” should be “We hereby . . .”. Correction is requested on pages 1 through 3 of the Declaration and Oath.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title of this application is “Apparatus and method for soccer training and practice”, however applicant is not claiming a method of playing or training. “and method” should be taken out.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sowards (4,720,095) in view of Ainscough et al (5,957,789).

Sowards shows an apparatus for holding a soccer ball (110), comprising: a tie down stake (112) having a spiraled lower portion (114); a circular-shaped upper portion (118); a handle under said circular-shaped upper portion (120) which is projecting from said tie-down stake (112); a ring (128) on said circular-shaped (118) upper portion, wherein said ring (128) is able to travel along a substantial portion of the circular-shaped (118) upper portion. The ball (110) is attached directly to the ring (128). Figure 10.

Sowards lacks a tether being attached to the tie down stake (112); a detachable link and a swivel-eye bolt.

Ainscough et al shows a soccer training device, having a ball (12), a tether (16), a detachable link (20) and a swivel-eye bolt (26) attached to an upright (46), (column 2, lines 51-64 and column 3, lines 30-41), wherein the upright (46) is shown to be secured to the ground (59) in several different ways. Figures 1, 4, 5.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Sowards to include a tether with swivel means in order to allow the soccer ball to not only rotate freely 360 degrees, but to prevent the cord from winding upon itself as it is taught by Ainscough et al.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fisk shows a golf practice device having a circular-shaped upper portion, a tethered ball secured to the ground using a stake; Temmer shows an animal tether having a stake with a circular-shaped top and a handle projecting from the stake; Boyer shows a practice device having a stake with a circular-shaped upper portion and a detachable link; Schachner shows a kicking practice device having swivel means; Marple shows a golf practice device having a tethered ball and a spiraled lower portion; Vartija et al shows a encased tethered ball for training.

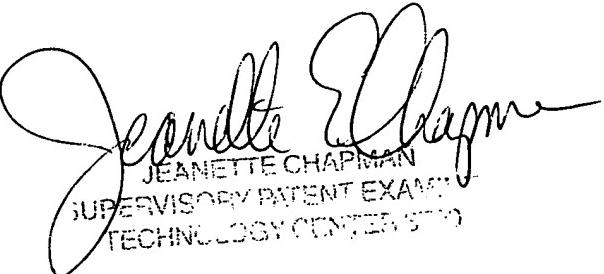
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is (703) 308-3550. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

MA

February 5, 2001



JEANETTE CHAPMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 5000